

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

GILBERTO PEREIRA BRITO, FLORENTIN  
AVILA LUCAS, and JACKY CELICOURT,  
individually and on behalf of all those  
similarly situated,

*Plaintiff-Petitioners,*

v.

WILLIAM BARR, et al.,

*Defendant-Respondents.*

Case No. 19-11314-PBS

**NOTICE OF APPEAL**

Notice is hereby given that Plaintiff-Petitioners Gilberto Pereira Brito, Florentin Avila Lucas, and Jacky Celicourt, individually and on behalf of all those similarly situated, including on behalf of all classes certified herein, hereby appeal to the United States Court of Appeals for the First Circuit from the Declaratory Judgment and Permanent Injunctions entered in this action on November 27, 2019.

The Court granted petitioners' motion for class-wide summary judgment in almost all respects, including requiring the government to bear the burden of proof in immigration bond hearings for people detained pursuant to 8 U.S.C. §1226(a), requiring proof of dangerousness by clear and convincing evidence in such bond hearings, and requiring consideration of ability to pay and alternative conditions of release. Petitioners appeal insofar as the Court held that people detained pursuant to 8 U.S.C. §1226(a) are entitled to receive a bond hearing at which the government must prove risk of flight by a preponderance of the evidence, rather than by clear and convincing evidence (as petitioners had argued).

In addition, petitioners note that, within this Circuit, the government has appealed judgments in two individual habeas corpus actions that also address the burden and standard of proof for immigration bond hearings under 8 U.S.C. §1226(a). Those appeals are currently pending. *See Doe v. Tompkins*, No. 19-1368 (1st Cir.); *Hernandez Lara v. Lyons*, No. 19-2019 (1st Cir.). This appeal will make it possible for the two classes certified by the Court—which include hundreds of people impacted by the government’s unconstitutional bond procedures—to have an opportunity to be heard on these issues as they are considered by the Court of Appeals.

Dated: December 26, 2019

Respectfully submitted,

**GILBERTO PEREIRA BRITO,  
FLORENTIN AVILA LUCAS, and JACKY  
CELICOURT, individually and on behalf of  
all those similarly situated,**

By their attorneys,

/s/ Susan M. Finegan

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants, if any, on December 26, 2019.

/s/ Susan M. Finegan

Susan M. Finegan

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